

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID M. HERNANDEZ,

Defendant.

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8:10CR158

ORDER

This matter is before the court on defendant's MOTION TO CONTINUE [70] Time IN WHICH TO FILE PRETRIAL MOTIONS. Upon review of the file, the court finds that an extension of approximately 15 days should be granted. Pretrial Motions shall be filed by June 10, 2010.

IT IS ORDERED:

1. Defendant's MOTION TO CONTINUE [70] TIME IN WHICH TO FILE PRETRIAL MOTIONS is granted. Pretrial motions shall be filed on or before **June 10, 2010**.

2. Defendant is ordered to file a waiver of speedy trial as soon as practicable.

3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between May 26, 2010 and June 10, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 25th day of May, 2010.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**